

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

ZHANG MEDICAL, P.C.  
d/b/a New Hope Fertility Center,

Debtor.

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: Case No. 23-10678 (PB)  
:  
: Chapter 11  
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:  
: Debtor. :  
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**STIPULATION AND ORDER PURSUANT TO FED. R. BANKR. P.  
9006(b)(1) EXTENDING BAR DATE FOR BANK OF AMERICA, N.A.  
AND BANC OF AMERICA LEASING & CAPITAL LLC**

**RECITALS**

WHEREAS, on April 30, 2023 (the “*Petition Date*”), Zhang Medical, P.C. d/b/a New Hope Fertility Center (“*Debtor*”) filed a voluntary petition for relief pursuant to chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “*Bankruptcy Code*”) in the United States Bankruptcy Court for the Southern District of New York (the “*Bankruptcy Court*”), commencing the above-captioned Chapter 11 case (the “*Chapter 11 Case*”); and

WHEREAS, prior to the Petition Date, the Debtor executed and delivered to Bank of America, N.A. (“*BANA*”) and Banc of America Leasing & Capital LLC (“*BALC*” and, together with BANA, the “*Bank*”) a Guaranty dated December 18, 2020 (the “*Guaranty*”) of the obligations of New Hope MSO Inc. (“*New Hope MSO*”) pursuant to a Master Loan and Security Agreement dated as of March 17, 2020 (the “*Loan Agreement*”); and

WHEREAS, the Debtor included the Bank as a creditor in its Schedules of Assets and Liabilities and Statement of Financial Affairs filed May 29, 2023 [Doc. No. 28] (the “*Schedules*”); and

WHEREAS, on August 4, 2023, the Bankruptcy Court entered an Order Establishing Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof [Doc. No. 102] (the “*Bar Order*”); and

WHEREAS, as reflected on the Declaration of Mailing Certificate of Service filed with respect to the Bar Order [Doc. No. 126], the Bank did not receive notice of the Bar Order.

#### STIPULATION

NOW, THEREFORE, it is hereby STIPULATED and AGREED by and between the Bank and the Debtor, as follows:

1. If the Bank shall file a proof of claim against the Debtor on or before December 30, 2023, such claim shall be deemed timely notwithstanding the Bar Order.
2. The Debtor and any other party in interest shall retain the right to object to any claim filed by the Bank other than on the grounds that it was filed after the deadline established in the Bar Order.
3. The Court shall retain jurisdiction over this matter to determine any disputes that may arise hereunder.

Dated: November 29, 2023  
New York, New York

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New York, New York

#### PARADALIS & NOVAHICKA LLP

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*Counsel to Bank of America, N.A. and Banc of America Leasing & Capital LLC*

**SO ORDERED:**

Dated: December 22, 2023  
New York, New York

/s/ Philip Bentley  
**Honorable Philip Bentley**  
**United States Bankruptcy Judge**